

HOUSE BILL REPORT

HB 1551

As Passed House:

March 3, 2009

Title: An act relating to the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war.

Brief Description: Addressing the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war.

Sponsors: Representatives Conway, Bailey, Crouse, Seaquist, Kenney, Simpson, Morrell and Ormsby; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board.

Brief History:

Committee Activity:

Ways & Means: 2/2/09, 2/10/09 [DP].

Floor Activity

Passed House: 3/3/09, 97-0.

Brief Summary of Bill

- Provides that the survivors of members that leave state service and die while honorably serving in the National Guard or military reserves during a period of war are entitled to the same survivor benefits as if the member died while in the line of duty of their retirement-system covered employment.

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass. Signed by 20 members: Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler, Cody, Conway, Darneille, Haigh, Hunt, Hunter, Kenney, Kessler, Pettigrew, Priest, Ross, Schmick, Seaquist and Sullivan.

Staff: David Pringle (786-7310)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The survivor of a member of the Law Enforcement Officers' and Fire Fighters' Retirement System Plan 2 (LEOFF), the Public Employees' Retirement System (PERS), Public Safety Employees' Retirement System Plan 2 (PSERS), School Employees' Retirement System (SERS), Teachers' Retirement System (TRS), or the Washington State Patrol Retirement System Plan 2 (WSPRS) that dies while in the line of duty or course of employment is entitled to a retirement allowance unreduced for the age of the member at the time of death.

With the exception of PERS Plan 2, no distinction among the plans 2 and 3 is made for the circumstances of death when a member dies outside of the line of duty of retirement system-covered employment. For the other systems and plans, the survivor of a member is typically eligible to receive either a refund of contribution or a survivor annuity that is actuarially reduced for each year that the deceased member died prior to the plan's normal retirement age. Legislation passed in 2007 added a choice for survivors of members with at least 10 years of retirement system credit and killed in the current Iraq or Afghanistan conflicts: either 200 percent of the member's account balance or a monthly annuity.

In LEOFF Plan 1 and WSPRS Plan 1, the survivor of a member that dies in the line of duty is entitled to receive a monthly allowance equal to 50 percent of the deceased member's final average salary, plus additional amounts for eligible children up to a maximum of 60 percent of final average salary.

There are several definitions of veteran in state law. For certain types of veterans' benefits that require service during a time of war, the definition in RCW 41.04.005 applies. It limits veterans to those in specified uniformed services and honorably discharged, serving honorably, or discharged for physical reasons with an honorable record. The section also defines "period of war" by listing specific conflicts, including World War I, World War II, the Korean conflict, the Vietnam era, the Persian Gulf War, and any future period beginning on the date of a future declaration of war by Congress and ending on the date of a Presidential proclamation or resolution by Congress. Additional armed conflicts are included where the individual was awarded the respective campaign badge or medal.

Summary of Bill:

Survivor benefits for members of LEOFF, PERS, PSERS, SERS, TRS and WSPRS that leave state employment and die while honorably serving in the National Guard or military reserves during a period of war as defined in RCW 41.04.005 are increased to equal those provided to survivors of members that die in the line of duty or course of state retirement system-covered employment.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Recent federal law requires this change to state law, and it was surprising to learn that this situation exists in state law now. The National Guard Association requests that this bill be passed giving Guard members the equivalent of state line-duty death benefits.

(Opposed) None.

Persons Testifying: Steve Nelson, Law Enforcement Officers and Firefighters Plan 2 Retirement Board; and John Carpenter, National Guard Association of Washington.

Persons Signed In To Testify But Not Testifying: None.